

MINUTES OF THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, JULY 16, 2015

1. **HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:**

None

HEARINGS TO BE HELD AT THE OFFICES OF THE PUBLIC UTILITIES COMMISSION, WALKER BUILDING, 21 SOUTH FRUIT STREET, CONCORD, NH:

August 20, 2015 @ 9:30 a.m.:

- a. Club Manchvegas, 50 Old Granite Street, Manchester, NH.
Restaurant Full Service With Lounge License #1419703 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Date of violation: March 22 – 23, 2014.
Case #: 14-124-OF.
LICENSEE WILL FILE A MOTION TO CONTINUE.
DECISION PENDING.
MOTION GRANTED.
RESCHEDULED AT THE REQUEST OF THE CHIEF HEARINGS OFFICER.

August 20, 2015 @ 10:30 a.m.:

- b. Club 550, 2025 White Mountain Highway, North Conway, NH.
Sports Entertainment License #2503005 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:51 – failed to maintain an orderly premise.
Cited for violation of RSA 179:23, IV – failed to have an affidavit on file with the Commission for the person in charge of the premises.
Date of violations: May 25, 2014.
Case #: 14-170-OF.
THE LICENSEE REQUESTED AND WAS GRANTED A CONTINUANCE.

September 17, 2015 @ 10:30 a.m.:

- c. Zaboo, 24 Depot Street, Manchester, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1494103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Cited for violation of RSA 179:44, I – gave away free drinks to customers, patrons, members or guests – 2 counts.
Dates of violations: October 31, 2014, September 6, 2014 & January 9, 2015.
Case #s: 14-413-OF, 14-338-OF & 15-24-OF.
THE LICENSEE FILED A MOTION TO CONTINUE WHICH WAS GRANTED IN PART; NEW DATE TO BE DETERMINED.
SETTLEMENT PENDING.
HEARING REQUESTED BY LICENSEE.
LICENSEE HAS RETAINED COUNSEL; ASSENTED-TO MOTION TO CONTINUE FILED BY LICENSEE; DECISION PENDING.
HEARING HELD MAY 21, 2015.

LICENSEE FILED A MOTION FOR RECONSIDERATION ON JUNE 2, 2015.
LICENSEE FILED A MOTION FOR RECONSIDERATION FOR GOOD CAUSE ON JUNE 3, 2015.
ON JUNE 5, 2015, THE DIVISION OF ENFORCEMENT & LICENSING FILED A RESPONSE TO BOTH MOTIONS FOR RECONSIDERATION FILED BY THE LICENSEE.
ON JUNE 10, 2015, THE CHIEF HEARINGS OFFICER FOUND THAT THE LICENSEE WAS DEFAULTED IN ERROR ON MAY 21, 2015; A NEW PRE-HEARING AND HEARING WILL BE SCHEDULED; ACCORDINGLY, THERE IS NO NEED TO RULE ON THE LICENSEE'S MOTION TO RECONSIDER FOR GOOD CAUSE SHOWN; THE DIVISION OF ENFORCEMENT & LICENSING IS NOT REQUIRED TO PRODUCE BRIAN GUNNING AS A WITNESS.

November 19, 2015 @ 9:30 a.m.:

- d. Jewel Nightclub, 61 Canal Street, Manchester, NH.
Sports Entertainment License #6018305 licensed pursuant to RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violations: February 22, 2015.
Case #: 15-61-OF & 15-63-OF.

2. NOTIFICATION OF DISCIPLINARY ACTION:

Tedeschi Food Shops, 33 South Main Street, Plymouth, NH.
Combination Off-Premises Beverage/Wine/Tobacco #3286947 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: February 6, 2015.
Case #: 15-45-OF.
An administrative fine of \$500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing July 23, 2015 with re-grant on July 25, 2015 & Elizabeth Pho shall complete a Total Education in Alcohol Management (TEAM) seminar online by July 15, 2015.
COMMISSION ACKNOWLEDGED.

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

None

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Cheshire Fair Association, Inc., 247 Monadnock Highway, Swanzey, NH 03446.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 7/29/2015.
COMMISSION APPROVED.
- b. Fig Leaf LLC DBA Amphora Restaurant, 55 Crystal Avenue, #5, Derry, NH 03038.
To be issued Caterer-Off-Site License #1285634 pursuant to RSA 178:22, V(e).
30 Day Temporary License issued: 7/8/2015.
COMMISSION APPROVED.
- c. Fuller Foundation of NH (The), Inc. DBA Fuller Gardens,
10 Willow Avenue, North Hampton, NH 03862.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 8/14/2015.
COMMISSION APPROVED.

- d. Glitter and Gold Entertainment LLC DBA Cloud 9 Bar and Grille, 225 Ocean Boulevard, Hampton, NH 03842.
To be issued Seasonal Restaurant On-Premise Cocktail Lounge License #1494703 pursuant to RSA 178:22.
30 Day Temporary License issued: 7/2/2015.
COMMISSION APPROVED.
- e. Global Montello Group DBA Alltown Londonderry, 1 Hampton Drive, Londonderry, NH 03053.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3330147 pursuant to RSA 178:18 & RSA 178:19-a.
30 Day Temporary License issued: 7/8/2015.
COMMISSION APPROVED.
- f. Kheir, Haitham H. DBA Ashah Market, 132 Orange Street, Manchester, NH 03103.
To be issued Retail Tobacco, Tobacco Only License #135117 pursuant to RSA 178:19-a.
30 Day Temporary License issued: 7/2/2015.
COMMISSION APPROVED.
- g. New Boston 737 LLC DBA La Cabana Mexican Grill, 737 River Road, New Boston, NH 03070.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1508503 pursuant to RSA 178:21.
30 Day Temporary License issued: 7/7/2015.
COMMISSION APPROVED.
- h. O'Keefe, Martin DBA Round Rock Restaurant (The), 12 Ocean Boulevard, Seabrook, NH 03874.
To be issued Restaurant On-Premise Cocktail Lounge License #1510203 pursuant to RSA 178:22.
30 Day Temporary License issued: 7/8/2015.
COMMISSION APPROVED.
- i. Shanty (The) LLC DBA Lazy Jack's, 58 Ceres Street, Portsmouth, NH 03801.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1512003 pursuant to RSA 178:21.
30 Day Temporary License issued: 7/6/2015.
COMMISSION APPROVED.
- j. Spice Chambers (The) LLC, 8 Winter Street, Keene, NH 03431.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1510803 pursuant to RSA 178:21.
30 Day Temporary License issued: 7/2/2015.
COMMISSION APPROVED.
- k. Squam Lakes Natural Science Center, 23 Science Center Road, Holderness, NH 03245.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 7/25/2015.
COMMISSION APPROVED.
- l. Sumo Sushi LLC DBA Sumo Sushi, 55 Crystal Avenue, #24, Derry, NH 03038.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1508703 pursuant to RSA 178:21.
30 Day Temporary License issued: 7/8/2015.
COMMISSION APPROVED.
- m. Upper Valley Humane Society, 300 Old Route 10, Enfield, NH 03748.
To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).
Event date: 7/23/2015.
COMMISSION APPROVED.

5. **LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:**

None

6. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING JULY 10, 2015: 1,139

- a. Hamel Family Wines LLC DBA Hamel Family Wines,
15409 Sonoma Highway, Sonoma, CA 95476.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
COMMISSION APPROVED.
- b. Jam Cellars, Inc. DBA Jam Cellars, 4202 Stage Gulch Road, Sonoma, CA 94558.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
COMMISSION APPROVED.
- c. John Anthony Vineyards LLC DBA John Anthony Vineyards, 25 Enterprise Court, Napa, CA 94558.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
COMMISSION APPROVED.
- d. Manzoni Estate Vineyard LLC DBA Manzoni Estate Vineyard,
Manzoni Wines, 30981 River Road, Soledad, CA 93960.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
COMMISSION APPROVED.
- e. Ty Ku LLC DBA Davos Brands, 381 Park Avenue South, Suite 1015, New York, NY 10016.
To be issued Liquor and Wine Vendor License #113745 pursuant to RSA 178:9.
COMMISSION APPROVED.

7. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. CANCELLATION OF PERMITS FOR COMMISSION APPROVAL:

None

9. NOTIFICATION OF APPROVED PETITIONS:

- a. American Legion Post 43, 56 Boutwell Street, Manchester, NH 03102.
Veterans Club License #6839 licensed pursuant to RSA 178:22, V(h).
Date petition received: 6/15/2015.
Requested approval for authorization of other area, to wit, an outside lawn area with a capacity of 50 for event date July 18, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- b. Craft Brew Alliance, Inc. DBA Redhook Ale Brewery,
1 Redhook Way, Pease International, Portsmouth, NH 03801.
Beverage Manufacturer License #287718 licensed pursuant to RSA 178:12.
Date petition received: 6/11/2015.
Requested approval for authorization of other area, to wit, an outside tented area with a total capacity of 4,000 for event date July 11, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- c. Eagle Mountain House LLC DBA Eagle Mountain House and Golf Club,
179 Carter Notch Road, Jackson, NH 03846.
Hotel On-Premise Cocktail Lounge License #368402 licensed pursuant to RSA 178:22.
Date petition received: 6/29/2015.
Requested approval for authorization of other areas, to wit, an outside back lawn area with a capacity of 800 and an outside tented area with a total capacity of 450 for event dates June 27, 2015 to November 15, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

- d. Global Montello Group Corp. DBA Alltown Londonderry, 1 Hampton Drive, Londonderry, NH 03053.
Date petition received: 7/9/2015.
Requested a waiver leasing/access to part of business, to wit, to allow lease space to Dunkin Donuts inside the store pursuant to RSA 179:48, IV.
COMMISSION ACKNOWLEDGED.
- e. Le Club Alpin De Raquetteur, 175 Putnam Street, Manchester, NH 03102.
Social Club On-Premise Cocktail Lounge License #10301 licensed pursuant to RSA 178:22, V(h).
Date petition received: 6/3/2015.
Requested approval for authorization of other area, to wit, an outside parking lot area with a capacity of 300 for event date August 9, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- f. Mallot Corp (The) DBA Wentworth Resort GC/Madelin, Route 16A, Jackson, NH 03846.
Sports Recreation License #395405 licensed pursuant to RSA 178:22, V(v).
Date petition received: 7/9/2015.
Requested approval for authorization of other area, to wit, an outside tented area with a total capacity of 215 for event dates July 11, 2015 and July 16, 2015 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.
- g. Shanty (The) LLC DBA Lazy Jack's, 58 Ceres Street, Portsmouth, NH 03801.
Restaurant On-Premise Beverage/Wine/Liquor License #1512003 licensed pursuant to RSA 178:21.
Date petition received: 7/6/2015.
Requested approval for authorization of other area, to wit, an outside deck area with a capacity of 80 pursuant to RSA 178:24 and Liq. 404.05.
COMMISSION ACKNOWLEDGED.

10. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

Liu's Garden, 35 Pauline Street, Randolph, MA.
Restaurant On-Premise Beverage/Wine/Liquor License #1455803 licensed pursuant to RSA 178:21.
Requested approval for a Felon Exception for Anthony Liu as a Person In Charge pursuant to RSA 178:4, RSA 179:23 and Liq. 404.06(c).
Case #: 15-175-OF.
COMMISSION ACKNOWLEDGED.

11. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

12. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

13. NOTIFICATION OF COMPLIANCE CHECKS:

None

14. COMMISSION DECISIONS PENDING AFTER HEARING:

None

15. NOTIFICATION OF HEARING RESULTS:

None

16. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Col. Andrew Gorske, 170 Jordan Road, Keene, NH 03431.

Military serviceman wishes to import his collection of alcohol to New Hampshire from overseas where he is currently stationed and have the 25% fee waived pursuant to RSA 175.6.

Recommendation: Approval.

COMMISSION APPROVED.

17. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

a. Rochester Main Street,

North Main Street Parking (Across from 103 North Main), Rochester, NH 03867.

To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor

License pursuant to RSA 178:22, V(l).

Event date: 7/18/2015.

Recommendation: Expedited approval.

Commission approved on 7/8/2015.

COMMISSION ACKNOWLEDGED.

b. Tillotson Center, Inc., 14 Carriage Lane, Colebrook, NH 03576.

To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor

License pursuant to RSA 178:22, V(l).

Event date: 7/11/2015.

Recommendation: Expedited approval.

Commission approved on 7/2/2015.

COMMISSION ACKNOWLEDGED.